

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MDL NO. 13-02419-RWZ

IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC.  
PRODUCTS LIABILITY LITIGATION

THIS ORDER APPLIES TO ALL ACTIONS NAMING  
SAINT THOMAS OUTPATIENT  
NEUROSURGICAL CENTER, LLC

ORDER

May 20, 2016

ZOBEL, J.

Pending before the court are several motions for leave to file motions for summary judgment.

The Plaintiffs' Steering Committee has moved for leave to file a summary judgment motion concerning the comparative fault defenses regarding governmental entities, and the defendants do not oppose the motion for leave. The motion (Docket # 2862) was ALLOWED at the May 19, 2016 status conference, and the PSC filed its motion and supporting papers later that day (Docket ## 2887, 2888, 2889).

The STOPNC defendants<sup>1</sup> have filed a single motion for leave to file eight separate motions for summary judgment (Docket # 2867), which the St. Thomas

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<sup>1</sup> Saint Thomas Outpatient Neurosurgical Center, LLC, Howell Allen Clinic, P.C., Vaughan Allan, and John Culclasure.

Entities<sup>2</sup> have joined (Docket # 2880). At the May 19, 2016 status conference, the PSC indicated its assent to the motion for leave (Docket # 2867), which is likewise ALLOWED. The STOPNC defendants and St. Thomas entities shall jointly file their motions and supporting papers by May 27, 2016.

With respect to all motions for summary judgment that this order allows leave to file, this order supersedes Local Rule 7.1(b). The parties will have fourteen days—not twenty-one—to oppose motions for summary judgment, and the court reserves the right to deny any motion for summary judgment within five days after its filing. The court will not, however, allow any motion for summary judgment before the date for filing an opposition. Further, pursuant to Local Rule 56.1, the court will consider all motions for summary judgment ripe for decision upon the filing of their opposition, and directs the parties not to file reply briefs.

This order has no effect on any other pending motions.

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May 20, 2016  
DATE

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/s/Rya W. Zobel  
RYA W. ZOBEL  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup> Saint Thomas West Hospital f/k/a St. Thomas Hospital, Saint Thomas Network, and Saint Thomas Health.